

In the Matter of INTERNATIONAL HARVESTER COMPANY, EMPLOYER *and* ELECTRICAL WORKERS UNION, LOCAL No. 369, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, A. F. OF L., PETITIONER

In the Matter of INTERNATIONAL HARVESTER COMPANY (LOUISVILLE WORKS), EMPLOYER *and* PIPE FITTERS LOCAL UNION #522, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA, A. F. OF L., PETITIONER

Cases Nos. 9-RC-610 and 9-RC-643.—Decided January 19, 1950

DECISION
AND
DIRECTION OF ELECTIONS

Upon petitions duly filed and consolidated, a hearing in these cases was held before William Naimark, hearing officer, on November 2, 1949. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Reynolds and Murdock].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.
2. The labor organizations involved claim to represent certain employees of the Employer.¹
3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.
4. In its decision of September 14, 1949,² involving petitions by the Molders and the I. B. E. W. for units in the Employer's Louisville

¹ The United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., was allowed to intervene at the hearing on the basis of prior administrative determination.

² 85 NLRB 1310.

88 NLRB No. 60.

foundry, the Board dismissed the petition for a unit of cranemen sought by the latter and found appropriate a unit of production and maintenance employees. It was observed in the decision that the contractor for the new foundry was still doing the maintenance work at the time of the hearing and that only 1 maintenance employee was then on the Employer's payroll, although 75 were contemplated by September.

The petitions herein involved were filed before the election directed in the September 14 decision, the I. B. E. W. claiming electrical maintenance employees in the Louisville foundry, including three industrial truck repairmen, and the Pipe Fitters claiming pipe fitters and their helpers. Because of the pendency of these petitions, the ballots of the electricians and pipe fitters in the election and runoff election held pursuant to the September 14 decision were impounded by the Regional Director. On December 6, 1949, as a result of the runoff election, the U. A. W. was certified by the Board as the bargaining representative in the production and maintenance unit, the impounded ballots being insufficient in number to affect the results of the election. This certification was qualified by the Board on January 4, 1950, with respect to the employees here involved pending the disposition of this proceeding.

In the present proceeding, the Employer takes the same position it took in the earlier one concerning the foundry, to wit: that only an all-embrasive unit is appropriate in an integrated, mechanized foundry and that, therefore, the Board's earlier finding that foundry production and maintenance unit was appropriate is correct. At the hearing, the Employer named 12³ of its 22 manufacturing plants at which electricians and pipe fitters are included in production and maintenance units. These 12 do not include the Employer's Louisville Works and Memphis plants, in which operations were begun about 1947 and at which the Board, noting the absence of a severance problem, has found various skilled groups appropriate for bargaining.⁴ Nor does it include the Fort Wayne Works, at which the Board directed a Globe election for maintenance electricians in spite of a 6-year bargaining history on a production and maintenance basis and the claim of integration of the maintenance employees in the production process.⁵ It appears that in at least 7 of the 12 plants named by

³ Farmall Works, East Moline Work, McCormick Works, West Pullman Works, Milwaukee Works, Springfield, Ohio, Works, Richmond Works, Indianapolis Works, Evansville Works, Canton Works, Rock Falls Works, and Tractor Works.

⁴ *International Harvester Co. (Louisville Works)*, 73 NLRB 971, 74 NLRB 507. In the latter supplemental decision electricians and plumbers were certified as appropriate units. *International Harvester Co. (Memphis Works)*, 79 NLRB 1452, election directed in a toolroom unit.

⁵ *International Harvester Co. (Fort Wayne Works)*, 80 NLRB 225.

the Employer, the production and maintenance units were agreed upon by the parties, with an occasional exclusion of patternmakers.⁶ It also appears that the Board has recently directed Globe elections for machinist groups at the Indianapolis Works⁷ and the McCormick Works,⁸ and for powerhouse employees at the Milwaukee Works.⁹ Therefore, we see no merit in the argument that separate elections should be denied the groups here petitioned for simply because many of the Employer's plants have only over-all production and maintenance units.

The Employer established its maintenance department in the Louisville foundry about June 13, 1949, in charge of a foundry maintenance engineer, under whom there is a maintenance division with a maintenance foreman and an electrical division with an electrical foreman. At the time of the hearing there were 114 maintenance employees. Of these, 30, including 3 industrial truck repairmen, work under the electrical foreman and the rest, including 5 pipe fitters and helpers, work under the maintenance foreman. All the employees in the maintenance department share the same working conditions, benefit plans, work and vacation schedules, and all share the same locker room. Generally, maintenance employees work side by side performing their own type of craft work, although on occasions an electrician, for instance, might get a wrench and tighten a nut to remedy some minor difficulty which comes to his attention.

The 27 maintenance electricians whom the I. B. E. W. seeks to represent are concededly skilled electricians, performing installation and repair work on plant electrical equipment. Among other things, they remove and rewire armatures and field coils and do various tasks in connection with switches, fuses, and controls. It is clear that their duties require a thorough knowledge and the exercise of craft skills. At the time of the hearing no electricians helpers had been employed, but the I. B. E. W. stated that it would wish to represent them in the group when they are employed. We find that the maintenance electricians and their helpers are a skilled craft group which, if it wishes, may constitute a separate bargaining unit.

Of the three industrial truck repairmen sought to be included with the maintenance electricians, one is a battery electrician and the other two repair electric lift trucks and "work savers" used in the foundry. These three employees work in the foundry's garage. The battery

⁶ *International Harvester Co. (Farmall Works)*, 56 NLRB 502, outlining previous decisions of the Board at the West Pullman, East Moline, McCormick, Rock Falls, Milwaukee, and Farmall Works; *International Harvester (Evansville Works)*, 71 NLRB 680.

⁷ *International Harvester Co.*, 82 NLRB 740.

⁸ *International Harvester Co.*, 82 NLRB 190.

⁹ *International Harvester Co.*, 85 NLRB 1175.

electrician works full time charging batteries and repairing them. The other two spend all of their time keeping up the Employer's industrial trucks, spending about 30 percent of their time on repairs of an electrical nature. As the work of these three employees requires electrical skills, and as they work under the same foreman as the electrical maintenance employees and share similar interests with them, we conclude that they properly belong in the group of maintenance electricians requested by the I. B. E. W.

The group of pipe fitters sought by the Pipe Fitters install and repair factory pipe equipment, such as gas, air, water, and oil pipes. Two are helpers; the others are concededly skilled, draw top pay, and were hired in at that rate. We likewise find that this group is a skilled, craft group which, if it wishes, may constitute a separate bargaining unit.

In view of our findings here with regard to the units sought, we shall make no final determination of the appropriate unit or units for these employees, but shall direct that the questions concerning representation which have arisen be resolved by separate elections by secret ballot among the employees in the following voting groups:

(a) All maintenance electricians in the foundry of the Employer's Louisville Works, including helpers and the three industrial repairmen who do electrical work in the garage, excluding office and clerical employees, professional employees, guards, and supervisors as defined in the Act;

(b) All pipe fitters and pipe fitter helpers in the foundry of the Employer's Louisville Works, excluding office and clerical employees, professional employees, guards, and supervisors as defined in the Act.

DIRECTION OF ELECTIONS

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, elections by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations, among the employees in voting groups (a) and (b) in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Elections, including employees who did not work during said payroll period because they were ill or on vacation or temporarily laid off, but excluding those employees who have since quit or been

discharged for cause and have not been rehired or reinstated prior to the date of the elections, and also excluding employees on strike who are not entitled to reinstatement, to determine whether they desire to be represented, for purposes of collective bargaining, those in group (a) by the Electrical Workers Union, Local No. 369, International Brotherhood of Electrical Workers, A. F. of L., or by United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., or by neither; those in group (b) by the Pipe Fitters Local Union #522, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, A. F. of L., or by United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., or by neither.